



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair
Trevor Ozawa, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

MINUTES

REGULAR MEETING
THURSDAY, OCTOBER 18, 2018

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Zoning and Housing was called to order by Committee Chair Kymberly Marcos Pine at 9:10 a.m. Voting Members Fukunaga, Kobayashi, Manahan, and Ozawa were present at the meeting. Nonvoting members, Council Chair Martin and Councilmember Menor also attended the meeting.

STAFF PRESENT

Matt Caires, Chief of Staff to Committee Chair Pine
Lori Hiraoka, Attorney, Office of Council Services
Gavin Kennedy, Analyst, Office of Council Services
Denise Wong, Deputy, Department of the Corporation Counsel, assigned to the Committee
Cynthia Nakazaki, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Zoning and Housing meeting held on September 20, 2018 were approved as circulated.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE – 4.
NOES: None.
EXCUSED: MANAHAN – 1.

FOR ACTION

1. CC-274 (2018) – COMMITTEE REPORT 362

DRAFT COMMITTEE REPORT AND RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE BUILDING BOARD OF APPEALS PURSUANT TO ORDINANCE 17-44. The Committee will take action on a draft committee report making recommendations to the Council on whether ROH Section 16-1.1 (adopting, as amended and among other things, Section 112 of the International Building Code) establishing the Building Board of Appeals should be retained, amended, or repealed.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting
Cheryl Palesh, Chair, Building Board of Appeals

There was no public testimony.

Acting Director Sokugawa testified in support of retaining the Building Board of Appeals.

At this juncture, Committee Chair Pine recognized Council Chair Martin's intern from Turkey.

The Committee Report was reported out for scheduling of a public hearing and adoption.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE – 4.
NOES: None.
EXCUSED: MANAHAN – 1.

Related communications:

CC-269	Councilmember Pine, requesting information from the Building Board of Appeals.
MM-92	Report submitted by the Building Board of Appeals pursuant to Ordinance 17-44, attached as part of Mayor's Message 92 (2018).
D-651	Building Board of Appeals, responding to Councilmember Pine's request for information.

2. RESOLUTION 18-206 – COMMITTEE REPORT 359

HALE MAKANA O MAILI AFFORDABLE HOUSING PROJECT. Granting exemptions from certain requirements relating to the Hale Makana O Maili Affordable Housing Project, located at 87-154 Kakalena Street, Maili, Oahu, Hawaii, Tax Map Key 8-7-001: 016. (Current deadline for Council action: 11/5/18)

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 18-206 (Submitted by Councilmember Pine) – The CD1 (OCS2018-0938/10/1/2018 8:04 AM) makes the following amendments:

- A. Revises the title to use the term "authorizing" instead of "granting."
- B. In the first, second, and new third WHEREAS clauses, clarifies the description of the Project.
- C. In the fourth WHEREAS clause of the CD1, adds that the affordable rental apartment units will remain affordable for a minimum of 65 years.
- D. Adds a new fifth WHEREAS clause to provide that the Project is eligible to receive consideration under the City's rules regulating implementation of HRS Section 201H-38.
- E. Adds that the Council received the Project's preliminary plans and outline specifications on September 21, 2018, by Departmental Communication 614 (2018).
- F. Clarifies that the Project meets the intent of HRS Chapter 201H, and the minimum requirements of health and safety.
- G. Reorganizes the exemptions granted under the resolution into the following categories:
 - Application Fees and Infrastructure and/or Public Works Fees and Charges
 - Fire Department Plan Review Fees
 - Board of Water Supply Rules and Regulations
 - Park Dedication Ordinance Requirements
 - Land Use Ordinance
 - Street Improvement Requirements

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- H. Clarifies the language for the exemptions and details the extent of the exemptions requested. Specifies when the deferred wastewater system facility charges and water system facility fees must be paid.
- I. Removes the BE IT FURTHER RESOLVED clause that lists conditions of approval recommended by the DPP, and incorporates the conditions into the appropriate sections of the Attachment 1 Development Agreement.
- J. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.
- K. Adds a BE IT FURTHER RESOLVED clause to provide that the resolution supersedes Existing Use Permit No. 1999/EU-18 in its entirety.
- L. Revises the BE IT FURTHER RESOLVED clause that requires the Applicant to obtain a development permit for the Project within two years after adoption of the resolution, to instead provide that the resolution is null and void unless construction of the Project commences no later than 24 months after the effective date of the resolution.
- M. In the fifth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- N. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Laulima Development, LLC to execute the Development Agreement.
- O. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,
 - Clarifies the definition of "project";
 - Adds a provision to specify that all affordable rental apartment units must remain affordable for not less than 65 years;
 - Adds the conditions of approval recommended by the DPP as obligations of the Developer in appropriate sections;
 - Removes provisions that prohibit City representatives and agents from interfering "with work in progress at the Project";
 - Details the purpose for the City's annual monitoring inspections of the Project after completion;
 - Removes the provision regarding the satisfactory form of report

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- submitted to another entity (because all reports will be submitted to the City);
 - Removes provisions regarding an extension of the deadline to commence Project construction;
 - Adds the duty to "defend" in the indemnification provision;
 - Requires the Developer to commence efforts to cure any default within the required period;
 - Conforms the provision relating to construction of the Agreement to the standard provision used in development agreements;
 - Adds an Exhibit A legal description of the Project.
- P. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting
John Whalen, Agent
Kali Watson, Laulima Development LLC, Applicant

There was no public testimony.

Committee Chair Pine further amended the posted CD1.

Mr. Whalen provided a brief description of the project as detailed in Communication M-529.

Mr. Watson provided additional information on the project and noted his appreciation for the Committee's support.

Acting Director Sokugawa spoke in support of the project.

Resolution 18-206 amended to CD1 and reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE – 4.
NOES: None.
EXCUSED: MANAHAN – 1.

CD1 TO RESOLUTION 18-206 (Submitted by Councilmember Pine) – The CD1 (OCS2018-1011/10/19/2018 10:13 AM) makes the following amendments.

- A. Revises the title to use the term "authorizing" instead of "granting."

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- B. In the first, second, and new third WHEREAS clauses, clarifies the description of the Project.
- C. In the fourth WHEREAS clause of the CD1, adds that the affordable rental apartment units will remain affordable for a minimum of 65 years.
- D. Adds a new fifth WHEREAS clause to provide that the Project is eligible to receive consideration under the City's rules regulating implementation of HRS Section 201H-38.
- E. Adds that the Council received the Project's preliminary plans and outline specifications on September 21, 2018, by Departmental Communication 614 (2018).
- F. Clarifies that the Project meets the intent of HRS Chapter 201H, and the minimum requirements of health and safety.
- G. Reorganizes the exemptions granted under the resolution into the following categories:
 - Application Fees and Infrastructure and/or Public Works Fees and Charges
 - Fire Department Plan Review Fees
 - Board of Water Supply Rules and Regulations
 - Park Dedication Ordinance Requirements
 - Land Use Ordinance
 - Street Improvement Requirements
- H. Clarifies the language for the exemptions and details the extent of the exemptions requested. Provides for an exemption from payment of wastewater system facility charges and water system facility fees (instead of a deferral).
- I. Removes the BE IT FURTHER RESOLVED clause that lists conditions of approval recommended by the DPP, and incorporates the conditions into the appropriate sections of the Attachment 1 Development Agreement.
- J. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.

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- K. Adds a BE IT FURTHER RESOLVED clause to provide that the resolution supersedes Existing Use Permit No. 1999/EU-18 in its entirety.
- L. Revises the BE IT FURTHER RESOLVED clause that requires the Applicant to obtain a development permit for the Project within two years after adoption of the resolution, to instead provide that the resolution is null and void unless construction of the Project commences no later than 24 months after the effective date of the resolution.
- M. In the fifth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- N. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Laulima Development, LLC to execute the Development Agreement.
- O. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,
 - Clarifies the definition of "project";
 - Adds a provision to specify that all affordable rental apartment units must remain affordable for not less than 65 years;
 - Adds the conditions of approval recommended by the DPP as obligations of the Developer in appropriate sections;
 - Removes provisions that prohibit City representatives and agents from interfering "with work in progress at the Project";
 - Details the purpose for the City's annual monitoring inspections of the Project after completion;
 - Removes the provision regarding the satisfactory form of report submitted to another entity (because all reports will be submitted to the City);
 - Removes provisions regarding an extension of the deadline to commence Project construction;
 - Adds the duty to "defend" in the indemnification provision;
 - Requires the Developer to commence efforts to cure any default within the required period;
 - Conforms the provision relating to construction of the Agreement to the standard provision used in development agreements;
 - Adds an Exhibit A legal description of the Project.

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- P. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement.

Related communications:

- D-614 Department of Planning and Permitting, transmitting draft resolution.
D-662 Board of Water Supply, submitting testimony on Resolution 18-206, CD1.
M-529 John Whalen, Agent, submitting information on the project.

3. RESOLUTION 18-210 – COMMITTEE REPORT 360

POKAI BAY SELF-HELP HOUSING AFFORDABLE HOUSING PROJECT. Authorizing exemptions from certain requirements relating to the Pokai Bay Self-Help Housing Affordable Housing Project at Waianae, Oahu, Hawaii, Tax Map Keys 8-6-027: 001 through 004, 049 through 054, and 064 through 123. (Applicant: Self-Help Housing Corporation of Hawaii [SHHCH]) (Current deadline for Council action: 11/11/18)

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 18-210 (Submitted by Councilmember Pine) – The CD1 (OCS2018-0975/10/12/2018 1:56 PM) makes the following amendments:

- A. In the first, second, and new third, fourth, and fifth WHEREAS clauses, clarifies the description of the Project.
- B. In the sixth WHEREAS clause of the CD1, adds reference to HRS Section 46-15.1.
- C. Adds that the Council received the Project's preliminary plans and outline specifications on September 27, 2018, by Departmental Communication 624 (2018).
- D. Adds a WHEREAS clause to provide that the Project is consistent with the housing and community development goals and objectives of the City.
- E. Adds a WHEREAS clause to provide that the granting of the exemptions is necessary for the timely and successful implementation of the Project.
- F. Clarifies the estimated amount of the exemptions being authorized.

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- G. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.
- H. Revises the BE IT FURTHER RESOLVED clause providing that the resolution is null and void if the Applicant fails to complete construction of the Project, to instead provide that the resolution is null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution.
- I. In the fourth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- J. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Self-Help Housing Corporation of Hawaii to execute the Development Agreement.
- K. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,
 - Adds a definition of "area median income";
 - Corrects the definition of "preliminary plans";
 - Clarifies the definition of "project";
 - Clarifies the definition of "project land";
 - Provides more detail regarding Project requirements, including that all 70 affordable dwellings must remain affordable in perpetuity; the HHFDC and USDA Rural Development will monitor affordability requirements; and the Project involves a team self-help housing method;
 - Provides that the Developer shall submit a final report to the City summarizing the work completed within 90 days after obtaining the last certificate of occupancy issued by the DPP for the Project;
 - Revises the provision regarding the effectiveness of Resolution 18-210, CD1, to provide that the exemptions granted by the resolution are null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution;
 - Adds the duty to "defend" in the indemnification provision;

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- Requires the Developer to commence efforts to cure any default within the required period;
 - In the force majeure provision, when referencing an act or failure to act of a government entity, removes an exception for an act by the City.
- L. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement

The following amendment was circulated at the meeting:

PROPOSED CD1 TO RESOLUTION 18-210 (Submitted by Councilmember Pine) –
The CD1 (OCS2018-0984/10/15/2018 11:51 AM) makes the following amendments:

- A. In the first, second, and new third, fourth, and fifth WHEREAS clauses, clarifies the description of the Project.
- B. In the sixth WHEREAS clause of the CD1, adds reference to HRS Section 46-15.1.
- C. Adds that the Council received the Project's preliminary plans and outline specifications on September 27, 2018, by Departmental Communication 624 (2018).
- D. Adds a WHEREAS clause to provide that the Project is consistent with the housing and community development goals and objectives of the City.
- E. Adds a WHEREAS clause to provide that the granting of the exemptions is necessary for the timely and successful implementation of the Project.
- F. Clarifies the estimated amount of the exemptions being authorized.
- G. In the BE IT RESOLVED CLAUSE, adds an exemption from ROH Section 14-13.6(d), to allow an exemption from payment of erosion and sediment control plan review fees, estimated at \$17,500.
- H. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.
- I. Revises the BE IT FURTHER RESOLVED clause providing that the resolution is null and void if the Applicant fails to complete construction of the

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Project, to instead provide that the resolution is null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution.

- J. In the fourth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- K. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Self-Help Housing Corporation of Hawaii to execute the Development Agreement.
- L. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,
 - Adds a definition of "area median income";
 - Corrects the definition of "preliminary plans";
 - Clarifies the definition of "project";
 - Clarifies the definition of "project land";
 - Provides more detail regarding Project requirements, including that all 70 affordable dwellings must remain affordable in perpetuity; the HHFDC and USDA Rural Development will monitor affordability requirements; and the Project involves a team self-help housing method;
 - Provides that the Developer shall submit a final report to the City summarizing the work completed within 90 days after obtaining the last certificate of occupancy issued by the DPP for the Project;
 - Revises the provision regarding the effectiveness of Resolution 18-210, CD1, to provide that the exemptions granted by the resolution are null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution;
 - Adds the duty to "defend" in the indemnification provision;
 - Requires the Developer to commence efforts to cure any default within the required period;
 - In the force majeure provision, when referencing an act or failure to act of a government entity, removes an exception for an act by the City.
- M. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement.

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Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting
Claudia Shay, Executive Director, Self-Help Housing Corporation of Hawaii
(SHHCH), Developer/Agent

There was no public testimony.

Ms. Shay provided a brief background on the Pokai Bay Self-Help Housing Affordable Housing Project, as detailed in Communication M-525. She noted that the Resolution would provide significant savings for the families.

Acting Director Sokugawa offered the Department's strong support for the exemptions requested.

Resolution 18-210 amended to CD1 (OCS2018-0984/10/15/2018 11:51 AM) and reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE – 4.
NOES: None.
EXCUSED: MANAHAN – 1.

Related communications:

D-624	Department of Planning and Permitting, transmitting draft resolution.
M-516	Claudia Shay, Executive Director, Self-Help Housing Corporation of Hawaii, additional request for exemption.
M-525	Claudia Shay, Executive Director, Self-Help Housing Corporation of Hawaii, submitting information of the project.
M-535	Early Testimony on Resolution 18-210.

4. RESOLUTION 18-212 – COMMITTEE REPORT 361

UNPERMITTED STRUCTURES AT 2930 DATE STREET. Urging the Director of Planning and Permitting to serve an order to demolish the unpermitted structures at 2930 Date Street.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting

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Committee member Ozawa, the introducer, explained that the purpose of the Resolution is to send a message that the building permit regulations will be enforced.

The Committee discussed the cost and application of civil fines.

In response to Committee Members, Acting Director Sokugawa stated that the ordinance recently passed by Council would help enforce Stop Work Order violations.

The following individual testified:

Robert E. Fox, Lower Manoa Association (comments)

Resolution 18-212 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE – 4.

NOES: None.

EXCUSED: MANAHAN – 1.

Related communications:

M-536 Early Testimony on Resolution 18-212.

M-544 Additional Testimony on Resolution 18-212.

At this juncture, Committee Chair Pine called for a recess at 9:40 a.m. and reconvened at 9:46 a.m.

5. BILL 45 (2018), CD1 – COMMITTEE REPORT 357

RELATING TO THE HALEIWA SPECIAL DISTRICT. Amending certain provisions to ensure the Haleiwa Special District regulations continue to fulfill their purpose of guiding development and protecting and enhancing the physical and visual aspects of the District.

The following amendment was posted on the agenda:

PROPOSED CD2 TO BILL 45 (2018), CD1 (Submitted by Councilmember Pine) – The CD1 (OCS2018-0973/10/12/2018 4:05 PM) makes the following amendments:

A. In Section 21-9.90-1, references plantation color schemes.

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- B. Adds a new Section 21-9.90-4(e)(6), which requires commerce and business uses other than mobile commercial establishments (which are subject to the off-street parking requirements in new Section 21-9.90-4(j)(3)) to provide one off-street parking space per 100 square feet of floor area.
- C. Revises Section 21-9.90-4(f)(7) to describe the traditional plantation color palette, and require the DPP director and the design advisory committee to establish a color palette that reflects a traditional plantation style.
- D. Adds a new Section 21-9.90-4(f)(10) to require that historically significant buildings and structures identified in Exhibit 21-9.17 maintain their existing architectural form, scale, integrity, and character. Renumbers subsequent subdivisions.
- E. In renumbered Section 21-9.90-4(f)(11), removes the requirement that exceptions from architectural appearance and character requirements be presented to the applicable neighborhood board.
- F. Revises Section 21-9.90-4(j) to reference and define "mobile commercial establishments" instead of "mobile food establishments."
- G. Moves the special district permit requirement in Section 21-9.90-4(j)(3) to renumbered subdivision (7). Renumbers subsequent subdivisions accordingly.
- H. Revises renumbered Section 21-9.90-4(j)(5) to delete reference to Chapter 41, Article 14 ("Vehicular Advertising").
- I. Adds a new Section 21-9.90-4(j)(6) to provide that a mobile commercial establishment must operate on areas where an all-weather surface is provided, outside of the yard areas. Renumbers subsequent subdivisions accordingly.
- J. Revises renumbered Section 21-9.90-4(j)(7) to: (1) provide that special district permits for mobile commercial establishment lots are nontransferable, (2) provide that permanent restroom facilities with wastewater systems are preferred over portable restroom facilities, (3) remove the requirement for a landscaping plan, (4) add a requirement for a pedestrian circulation plan, (4) restrict operating hours to between 8:00 a.m. and 10:00 p.m., and (6) require a parking management plan if three or more mobile commercial establishments operate on one zoning lot.

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- K. Moves the mobile commercial establishment lot yard requirements in former Section 21-9.90-4(j)(9), and the mobile commercial establishment restroom facility requirements in former 21-9.90-4(j)(10), to renumbered Section 21-9.90-4(j)(6) and (7), respectively.
- L. Revises renumbered Section 21-9.90-4(j)(9) to provide that mobile commercial establishment lots are permitted only on zoning lots along Kamehameha Highway between Weed Junction and Paalaa Road, and between Achiu Lane and Amara Road; provided that no mobile commercial establishment lot may be located within 1,500 feet of another mobile commercial establishment lot.
- M. In Section 21-9.90-5 relating to exemptions for detached dwellings and duplex units constructed prior to the effective date of the ordinance, provides that these detached dwellings and duplex units must also comply with subsection (f)(1) relating to general architectural appearance and character, and subsection (f)(7) relating to colors. Detached dwellings and duplex units constructed after the effective date of the ordinance will fall under the category "New buildings not covered above" in Table 21-9.7.
- N. Adds a new SECTION 10 of the bill to amend Zoning Map No. 17 (Mokuleia-Waialua-Haleiwa), and Zoning Map No. 18 (Kawailoa-Waialea), to reflect the revised boundaries of the Haleiwa Special District. Renumbers subsequent bill SECTIONS.
- O. Makes miscellaneous technical and nonsubstantive amendments.

The following amendment was circulated at the meeting:

PROPOSED CD2 TO BILL 45 (2018), CD1 (Submitted by Councilmember Martin) – The CD1 (OCS2018-1002/10/17/2018 2:12 PM) makes the following amendments:

- A. In Section 21-9.90-1, references plantation color schemes.
- B. Adds a new Section 21-9.90-4(e)(6), which requires eating and drinking establishment uses other than mobile commercial establishments (which are subject to the off-street parking requirements in new Section 21-9.90-4(j)(3)) to provide one off-street parking space per 100 square feet of floor area.
- C. Revises Section 21-9.90-4(f)(7) to describe the traditional plantation color palette, and require the DPP director and the design advisory committee to establish a color palette that reflects a traditional plantation style.

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- D. Adds a new Section 21-9.90-4(f)(10) to require that historically significant buildings and structures identified in Exhibit 21-9.17 maintain their existing architectural form, scale, integrity, and character. Renumbers subsequent subdivisions.
- E. In renumbered Section 21-9.90-4(f)(11), removes the requirement that exceptions from architectural appearance and character requirements be presented to the applicable neighborhood board.
- F. Revises Section 21-9.90-4(j) to reference and define "mobile commercial establishments" instead of "mobile food establishments."
- G. Moves the special district permit requirement in Section 21-9.90-4(j)(3) to renumbered subdivision (7). Renumbers subsequent subdivisions accordingly.
- H. Revises renumbered Section 21-9.90-4(j)(5) to delete reference to Chapter 41, Article 14 ("Vehicular Advertising").
- I. Adds a new Section 21-9.90-4(j)(6) to provide that a mobile commercial establishment must operate on areas where an all-weather surface is provided, outside of the yard areas. Renumbers subsequent subdivisions accordingly.
- J. Revises renumbered Section 21-9.90-4(j)(7) to: (1) provide that special district permits for mobile commercial establishment lots are nontransferable, (2) provide that permanent restroom facilities with wastewater systems are preferred over portable restroom facilities, (3) remove the requirement for a landscaping plan, (4) add a requirement for a pedestrian circulation plan, (4) restrict operating hours to between 8:00 a.m. and 10:00 p.m., and (6) require a parking management plan if three or more mobile commercial establishments operate on one zoning lot.
- K. Revises renumbered Section 21-9.90-4(j)(8) to provide that mobile commercial establishment lots in legal operation prior to the effective date of the ordinance must obtain a special district permit within one year after the effective date of the ordinance, in compliance with all requirements of subsection (j), except for subdivision (9) (relating to the location of mobile commercial establishment lots).

- L. Moves the mobile commercial establishment lot yard requirements in former Section 21-9.90-4(j)(9), and the mobile commercial establishment restroom facility requirements in former 21-9.90-4(j)(10), to renumbered Section 21-9.90-4(j)(6) and (7), respectively.
- M. Revises renumbered Section 21-9.90-4(j)(9) to provide that mobile commercial establishment lots are permitted only on zoning lots along Kamehameha Highway between Weed Junction and Paalaa Road, and between Achiu Lane and Amara Road; provided that no mobile commercial establishment lot may be located within 1,500 feet of another mobile commercial establishment lot.
- N. In Section 21-9.90-5 relating to exemptions for detached dwellings and duplex units constructed prior to the effective date of the ordinance, provides that these detached dwellings and duplex units must also comply with subsection (f)(1) relating to general architectural appearance and character, and subsection (f)(7) relating to colors. Detached dwellings and duplex units constructed after the effective date of the ordinance will fall under the category "New buildings not covered above" in Table 21-9.7.
- O. Adds a new SECTION 10 of the bill to amend Zoning Map No. 17 (Mokuleia-Waialua-Haleiwa), and Zoning Map No. 18 (Kawailoa-Waialeale), to reflect the revised boundaries of the Haleiwa Special District. Renumbers subsequent bill SECTIONS.
- P. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)

Council Chair Martin, the introducer, explained that the amendments to the LUO for the Haleiwa Special District was initiated to address the growing proliferation of food trucks in the area and other issues within the Haleiwa Special District. The Council Chair explained that his proposed CD2 includes some of the DPP's recommendations in Bill 47.

Acting Director Sokugawa expressed concerns that Bills 46 and 47, submitted by the DPP, were not being advanced. She explained that Bill 47 defined and proposed regulations for mobile commercial establishments island-wide.

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The Acting Director shared the Department's concerns with the proposed CD2 that includes interjecting Special District regulations into traffic standards and traffic code requirements, and requested additional clarification to parts that were confusing, as detailed in Communication D-677.

In response to Committee Chair Pine's statement that Bill 47 is not being advanced to allow the mobile food establishments an opportunity to provide feedback, the Acting Director noted that the Planning Commission received comments from food truck operators and that she would provide the list of testifiers to the Committee.

The following individuals testified:

1. Kiersten Faulkner, Historic Hawaii Foundation (comments)
2. Boyd Ready (support)
3. Antya Miller (support CD2)
4. Kathy Whitmire, North Shore Outdoor Circle (support)
5. Michael Stacy (comments)

Committee Chair Pine recommended that the Bill be amended to the hand-carried CD2 and reported out for passage on third reading.

Committee Chair Pine requested that the Acting Director work with Council Chair Martin's office on clarifying language in the amendment.

Bill 45 (2018), CD1 amended to CD2 (OCS2018-1002/10/17/2018 2:12 PM) and reported out for passage on third reading.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, PINE – 4.
NOES: None.
EXCUSED: OZAWA – 1.

Related communications:

- | | |
|-------|---|
| D-675 | Department of Planning and Permitting, submitting testimony pertaining to Bill 45 (2018) CD2. |
| D-677 | Department of Planning and Permitting, submitting concerns regarding Bill 45 (2018), CD1. |
| M-537 | Early Testimony on Bill 45 (2018), CD1. |
| M-545 | Additional Testimony on Bill 45 (2018), CD1. |

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At this juncture, Committee Chair Pine announced that Agenda Item 6 relating to building permits and Discussion Item 7 relating to Resolution 18-208, FD1 – regarding delays in the permitting process, would be taken up together.

6. BILL 64 (2018) – COMMITTEE REPORT 358

RELATING TO BUILDING PERMITS. Allowing for an expedited process for building permits for one- and two-family dwellings.

FOR DISCUSSION ITEM NO. 7

RESOLUTION 18-208, FD1 – Establishing a Permitted Interaction Group of Councilmembers to investigate delays in the permitting process.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting
(DPP)

Wallace Carvalho, Program Administrator, Customer Services Office, DPP

Committee Chair Pine stated that the DPP is short staffed which delays the permitting process and affects the lives of people in the industry that are waiting for a permit. She encouraged the testifiers to make suggestions to help the permitting process.

Council Chair Martin thanked the testifiers for participating and acknowledged the DPP for their continued hard work.

The following individuals testified:

1. Rodney Kim, Atlas Construction, Building Industry Association (BIA), Oahu Homebuilders Coalition (support)
2. Gladys Marrone, Building Industry Association-Hawaii (BIA) (support)

Committee Member Ozawa stated for the record that the Council is working hard to move the process forward by promoting policies to provide DPP with funding and opportunities to be successful and would like to work collaboratively to help the industry's members.

3. Robert E. Fox, Lower Manoa Association (comments)
4. Marshall Hickox, President Elect, BIA (comments)
5. J.R. Moorhead, Moorhead and Company (comments)

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6. Peter Eldridge, Raynor Hawaii Garage Doors (comments)
7. Josephine Alonso, Anela C. Development (support)
8. Donald Corbin, Blue Hawaii Drafting Service (comments)
9. Lauren Hudson, Permits Hawaii (comments)
10. Joshua Vasconcellos, Atlas Construction (comments)
11. Bruce Kim, BIA and Atlas Construction (comments)
12. Paul Vierling (comments)

Acting Director Sokugawa testified that the DPP's staff's primary job is to protect the health and safety of the citizens by implementing the Building Code. She stated that more regulations and responsibilities placed on the DPP without systemic changes make operations difficult, but is willing to look for new ways to operate. The DPP is open to suggestions and would look into the following:

- Increasing staffing.
- Increasing the quality of staffing by increasing training of staff.
- Introducing bills at the next State legislative session that would adjust the owner-builder provision in the state law, increase the value of construction that would not require a building permit, and refresh decades old laws.

Discussion ensued regarding the following:

- The Building Permit as a ministerial permit.
- The Building Permit used for purposes other than just compliance with the Building Code.
- Other government agencies dependent on the Building Permit for non-Building Code compliance.
- The DPP in comparison to other jurisdictions.
- Status of vacancies in the permitting section.
- A 30-day acceptance deadline instead of 60 days.

Committee Chair Pine inquired whether the measure would be able to be fast-tracked.

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Bill 64 (2018) reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE – 5.

NOES: None.

Related communications:

M-537 Early Testimony on Bill 64 (2018).

M-546 Additional Testimony on Bill 64 (2018).

INFORMATIONAL BRIEFING

8. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting

There were no public testifiers.

Acting Director Sokugawa provided the Committee with the Department's update, as detailed in Communication D-680.

The Acting Director reported that the short term rental bills should be transmitted to the Council shortly.

Committee Chair Pine expressed appreciation and thanked the Acting Director and her staff for their work and trying their best.

Related communication:

D-680 Department of Planning and Permitting, submitting "Status of LUO Amendments sent to DPP via City Council Resolutions" update report.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 11:41 a.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line.

GLEN I. TAKAHASHI
City Clerk

cn

DATE APPROVED

November 29, 2018